

REMARKS/ARGUMENTS

In the recent Official Action, the Examiner rejected Claims 1-5, 9, 15, 17, and 19-21 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. In addition, the Examiner rejected Claims 1-5, 9, 15, 17, and 19-21 as being unpatentable under 35 U.S.C. 102(b) and/or 35 U.S.C. 103 in view of the cited O'Donnell reference. In addition, the Examiner objected to Claim 21 and indicated that it would be allowable if rewritten in independent form.

Applicants have amended independent Claim 1 and several of the applications dependent claims (dependent Claims 2, 4, 5, and 9), and have added new Claims 40-45 to further clarify Applicants' claimed invention. Applicants have also added new Figures 13-15 to visually depict a three-sided modular planter/modular planter kit. Applicants have further added a corresponding description of Figures 13-15. (Support for the above-referenced amendments to the claims, specification, and figures may be found, for example, in Figures 11 and 12, and Page 12, Line 17 – Page 13, Line 12.) Applicants have also rewritten objected-to Claim 21 in independent form.

In light of the above-referenced amendments, Applicants respectfully submit that all of the application's claims are now in condition for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney at (404) 881-7728 to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Scott E. Brient/

Scott E. Brient
Registration No. 44,561

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON June 20, 2006.